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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,936	03/22/2004	David Eugene Huddleston	DEH 1002	1017

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EXAMINER

DURHAM, NATHAN E

ART UNIT	PAPER NUMBER
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3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/805,936

Applicant(s)

HUDDLESTON, DAVID EUGENE

Examiner

Nathan E. Durham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,10,12-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,10,12-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments and Arguments

Applicant's amendment and arguments, filed 27 November 2006, have been reviewed and considered but are moot in view of new ground(s) of rejection. Claims 8, 10, 12-16 and 18-20 have been amended and claims 1-7, 9, 11 and 17 have been canceled. Therefore, claims 8, 10, 12-16 and 18-20 are currently pending. This Office Action is considered a second non-final rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 12-16 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 10, 15, 16 and 18, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For the purpose of this Office Action, the phrases following "such as" will be considered to contain no further limiting structure.

Claims 12-16 and 18-20 are dependent from claim 10 and are therefore also rejected under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10 Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by BISHOP (U.S. Patent 5,571,587).

BISHOP discloses a sheet-like mounting means (18) with repositionable adhesive (20) applied to one side of the mounting means, wherein another sheet-like material (16) is mounted to the mounting means (Fig. 3). BISHOP discloses the sheet-
15 like material being subjected to a printing process (Figures 1 and 2).

Claims 10, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by KANG (U.S. Patent 3,850,059).

Regarding claim 10, KANG discloses a process for decorating sheet-like
20 materials comprising usage of a sheet-like mounting means (26) with repositionable adhesive (30) applied to one side of the mounting means (Fig. 2). KANG discloses a sheet-like material (28) be mounted to the mounting means and then subjecting the mounting means to a process for cutting perforations, scores, or slits into the mounting means to a precise depth (Figures 1 and 2).

Regarding claim 18, KANG discloses employing wider and more open perforations (Fig. 3).

Regarding claim 20, KANG discloses utilizing lines perforations, scores, or cuts as guides for presentation or positioning with respect to finishing operations on the

5 assembled item (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15 Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over KANG (U.S. Patent 3,850,059).

KANG teaches a process for the decoration of sheet-like materials as discussed above. However, KANG fails to disclose tearing along the perforations at the seams or
20 boundaries created during a decoration process. It is well known in the art for a label making process to include a decoration process involving printing on one side of the mounting means in order to provide indicia describing a product for which the label is applied to. It is further well known in the art that to apply a label to a product, one must
25 release the label from a releasable sheet-like material. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have

provided a decoration process and a method of tearing along the perforations after the decoration process, in order to provide a label that is easy to apply to a product and accurately describes the product.

5 Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over KANG (U.S. Patent 3,850,059) in view of INSTANCE (U.S. Publication 2001/0022213).

 Regarding claim 16, KANG discloses a process for decoration of sheet-like materials as discussed above. However, KANG fails to disclose the process utilizing
10 computer-aided means to facilitate the perforation or scoring operations.

 INSTANCE teaches a system including perforation operations that utilizes computer-aided means to control the system in order to create a process that can operate faster, with less error, and accomplish greater detail than a manually operated system (Figures 1, 3, 6 and 7). A computer-controlled system is considered to facilitate
15 perforation operations. Accordingly, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the process of KANG with computer-aided means to facilitate printing operation in order to create an automated process that will save time, money, and accomplish greater production.

 Regarding claim 19, KANG discloses a process for decoration of sheet-like
20 materials as discussed above. However, KANG fails to disclose the sheet-like material being subjected to a printing process.

INSTANCE teaches a process for decoration of sheet-like materials where a sheet-like mounting means (20, 16) has repositionable adhesive applied to the mounting means and a sheet-like material (14) is mounted to the mounting means (Fig. 1). INSTANCE further teaches the sheet-like material be subjected to a printing process in order to show indicia representation corresponding to the mounting means (i.e. labels) (Paragraph 0028). INSTANCE further teaches the labels having printed indicia (Fig. 2). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the process of KANG with the ability of subjecting the sheet-like material to a printing process in order to show indicia representation corresponding to the mounting means.

Allowable Subject Matter

Claims 12 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record, as cited on attached PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan E. Durham whose telephone number is (571)

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272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number

5 for the organization where this application or proceeding is assigned is 571-273-8300.

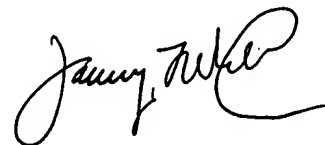
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

10 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

15

NED



GARY L. WELCH
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